

By: Brown of Kaufman

H.B. No. 3616

Substitute the following for H.B. No. 3616:

By: Callegari

C.S.H.B. No. 3616

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, administration, powers, duties,  
3 operation, and financing of the Kingsborough Municipal Utility  
4 District No. 7 of Kaufman County.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. DEFINITIONS. In this Act:

7 (1) "Board" means the board of directors of the  
8 district.

9 (2) "Commission" means the Texas Commission on  
10 Environmental Quality.

11 (3) "District" means the Kingsborough Municipal  
12 Utility District No. 7 of Kaufman County.

13 SECTION 2. CREATION. (a) A conservation and reclamation  
14 district, to be known as the Kingsborough Municipal Utility  
15 District No. 7 of Kaufman County, is created in Kaufman County,  
16 subject to approval at a confirmation election under Section 13 of  
17 this Act.

18 (b) The district is a governmental agency and a political  
19 subdivision of this state.

20 SECTION 3. AUTHORITY FOR CREATION. The district is created  
21 under and is essential to accomplish the purposes of Section 52,  
22 Article III, and Section 59, Article XVI, Texas Constitution.

23 SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. (a) The  
24 district is created to serve a public use and benefit.

1 (b) All of the land and other property included within the  
2 boundaries of the district will be benefited by the works and  
3 projects that are to be accomplished by the district under powers  
4 conferred by Section 52, Article III, and Section 59, Article XVI,  
5 Texas Constitution.

6 SECTION 5. BOUNDARIES. The boundaries of the district are  
7 as follows:

8 BEING all that certain lot, tract or parcel of land located in  
9 the J. G. Moore Survey, Abstract No. 309, Kaufman County, Texas, and  
10 being a portion of that certain called 1000 acre tract of land  
11 conveyed to Fitzpatrick, Ltd., according to the deed filed for  
12 record in Volume 1166, Page 368 of the Deed Records of Kaufman  
13 County, Texas, and being more particularly described by metes and  
14 bounds as follows:

15 BEGINNING at the North corner of said called 1000 acre tract  
16 and the East corner of that certain tract of land conveyed to the  
17 West Foundation, and described as Tract K31 in the deed filed for  
18 record in Volume 749, Page 245, Deed Records, Kaufman County,  
19 Texas, said point also being in County Road No. 260 (an undefined  
20 width public roadway);

21 THENCE South 47 deg. 51 min. 37 sec. East, along the Northeast  
22 boundary line of said called 1000 acre tract, and generally along  
23 said County Road No. 260, a distance of 1400.00 feet;

24 THENCE South 46 deg. 15 min. 37 sec. East, continuing along  
25 the Northeast boundary line of said called 1000 acre tract and  
26 generally along said County Road No. 260, a distance of 1273.15  
27 feet;

1           THENCE South 44 deg. 01 min. 29 sec. West, departing the  
2 Northeast boundary line of said called 1000 acre tract, a distance  
3 of 5450.63 feet, to the beginning of a non-tangent curve to the left  
4 having a radius of 2640.00 feet

5           THENCE along said non-tangent curve to the left and in a  
6 Northwesterly direction, through a central angle of 22 deg. 03 min.  
7 43 sec., an arc length of 1016.54 feet, said curve also having a  
8 long chord which bears North 34 deg. 42 min. 22 sec. West, 1010.27  
9 feet;

10          THENCE North 45 deg. 44 min. 13 sec. West, a distance of  
11 1700.00 feet, to the beginning of a non-tangent curve to the left  
12 having a radius of 2640.00 feet;

13          THENCE along said non-tangent curve to the left and in a  
14 Northwesterly direction, through a central angle of 00 deg. 01 min.  
15 24 sec., an arc length of 1.07 feet, said curve also having a long  
16 chord which bears North 45 deg. 44 min. 55 sec. West, 1.07 feet, to a  
17 the Northwest boundary line of the aforementioned called 1000 acre  
18 tract;

19          THENCE North 44 deg. 14 min. 23 sec. East, along the Northwest  
20 boundary line of said called 1000 acre tract, a distance of 5193.79  
21 feet, to the POINT OF BEGINNING and containing 323.760 acres  
22 (14,102,963 square feet), of land.

23          SECTION 6. FINDINGS RELATING TO BOUNDARIES.        The  
24 legislature finds that the boundaries and field notes of the  
25 district form a closure. If a mistake is made in the field notes or  
26 in copying the field notes in the legislative process, the mistake  
27 does not affect in any way:

- 1           (1) the organization, existence, or validity of the  
2 district;
- 3           (2) the right of the district to impose taxes; or
- 4           (3) the legality or operation of the district or the  
5 board.

6           SECTION 7. GENERAL POWERS. (a) Except as provided by  
7 Subsection (b) of this section, the district has all of the rights,  
8 powers, privileges, authority, functions, and duties provided by  
9 the general law of this state, including Chapters 49 and 54, Water  
10 Code, applicable to municipal utility districts created under  
11 Section 59, Article XVI, Texas Constitution. This Act prevails  
12 over any provision of general law that is in conflict or  
13 inconsistent with this Act.

14           (b) The district may not provide retail water service to an  
15 area designated by ordinance or resolution of the governing body of  
16 a municipality as within the water service area, extraterritorial  
17 jurisdiction, or corporate limits of that municipality if the  
18 municipality:

- 19           (1) has a population of less than 5,000; and
- 20           (2) has not given its express written consent.

21           SECTION 8. ADDITIONAL POWERS. (a) The district has the  
22 additional rights, powers, privileges, authority, and functions  
23 provided by this section.

24           (b) To the extent authorized by Section 52, Article III,  
25 Texas Constitution, the district may provide for the construction,  
26 maintenance, and operation inside or outside the boundaries of the  
27 district of:

1 (1) paved roads and turnpikes; or

2 (2) works, facilities, or improvements related to the  
3 roads and turnpikes.

4 SECTION 9. BONDS. (a) The district may issue bonds as  
5 provided by Chapters 49 and 54, Water Code, and the general laws of  
6 this state.

7 (b) The district may issue bonds, notes, or other  
8 obligations of the district to finance construction, maintenance,  
9 and operation under Section 8 of this Act and may impose a tax to pay  
10 the principal of or interest on bonds issued under this subsection.

11 (c) The district may not issue bonds under Subsection (b) of  
12 this section unless the issuance is approved by a vote of a  
13 two-thirds majority of the qualified voters of the district voting  
14 at an election called for that purpose. Bonds, notes, or other  
15 obligations issued or incurred under Subsection (b) of this section  
16 may not exceed one-fourth of the assessed value of the real property  
17 in the district.

18 (d) Sections 49.181 and 49.182, Water Code, do not apply to  
19 projects undertaken by the district under Section 8(b) of this Act  
20 or to bonds issued by the district under Subsection (b) of this  
21 section.

22 SECTION 10. EMINENT DOMAIN. The district may exercise the  
23 right of eminent domain, as provided by Section 49.222, Water Code,  
24 only within the boundaries of the district.

25 SECTION 11. BOARD OF DIRECTORS. (a) The district is  
26 governed by a board of five directors.

27 (b) Temporary directors serve until initial directors are

1 elected under Section 13 of this Act.

2 (c) Initial directors serve until permanent directors are  
3 elected under Section 14 of this Act.

4 (d) Permanent directors serve staggered four-year terms.

5 (e) Each director must qualify to serve as director in the  
6 manner provided by Section 49.055, Water Code.

7 SECTION 12. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or  
8 after the effective date of this Act, a person who owns land in the  
9 district may submit a petition to the commission requesting that  
10 the commission appoint as temporary directors the five persons  
11 named in the petition.

12 (b) Subject to Subsection (e) of this section, the  
13 commission shall appoint as temporary directors the five persons  
14 named in the first petition received by the commission.

15 (c) If a temporary director fails to qualify for office, the  
16 commission shall appoint a person to fill the vacancy.

17 (d) As soon as practicable after all of the temporary  
18 directors have qualified, the temporary directors shall meet and  
19 elect officers from among their membership.

20 (e) The commission may appoint temporary directors for a  
21 district that is located wholly or in part within an area designated  
22 by ordinance or resolution of the governing body of a municipality  
23 with a population of less than 5,000 as the water service area,  
24 extraterritorial jurisdiction, or corporate limits of that  
25 municipality only if the municipality has given its express written  
26 consent to the creation of the district. The municipality may give  
27 its consent only on the execution of a written agreement between the

1 developer of the district and a school district affiliated with the  
2 municipality providing that the district will:

3 (1) fund the construction of buildings and  
4 improvements for the school district; and

5 (2) establish an educational fund for the school  
6 district of an amount based on an annually determined transaction  
7 fee on the sale and resale of any home within the district  
8 boundaries for the duration of the existence of the district.

9 SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

10 (a) Subject to Subsection (b) of this section, the temporary board  
11 of directors shall call and hold an election to confirm  
12 establishment of the district and to elect five initial directors  
13 in the manner provided by Chapter 49, Water Code.

14 (b) The temporary board of directors may call and hold an  
15 election to confirm establishment of a district that is located  
16 wholly or in part within an area designated by ordinance or  
17 resolution of the governing body of a municipality with a  
18 population of less than 5,000 as the water service area,  
19 extraterritorial jurisdiction, or corporate limits of that  
20 municipality only if the municipality has given its express written  
21 consent to the creation of the district. The municipality may give  
22 its consent only on the execution of a written agreement between the  
23 developer of the district and a school district affiliated with the  
24 municipality providing that the district will:

25 (1) fund the construction of buildings and  
26 improvements for the school district; and

27 (2) establish an educational fund for the school

1 district of an amount based on an annually determined transaction  
2 fee on the sale and resale of any home within the district  
3 boundaries for the duration of the existence of the district.

4 SECTION 14. ELECTION OF DIRECTORS. The board shall call and  
5 hold elections to elect permanent directors in the manner provided  
6 by Chapter 49, Water Code.

7 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

8 (a) The legal notice of the intention to introduce this Act,  
9 setting forth the general substance of this Act, has been published  
10 as provided by law, and the notice and a copy of this Act have been  
11 furnished to all persons, agencies, officials, or entities to which  
12 they are required to be furnished under Section 59, Article XVI,  
13 Texas Constitution, and Chapter 313, Government Code.

14 (b) The governor has submitted the notice and Act to the  
15 commission.

16 (c) The commission has filed its recommendations relating  
17 to this Act with the governor, lieutenant governor, and speaker of  
18 the house of representatives within the required time.

19 (d) All requirements of the constitution and laws of this  
20 state and the rules and procedures of the legislature with respect  
21 to the notice, introduction, and passage of this Act are fulfilled  
22 and accomplished.

23 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act  
24 takes effect September 1, 2003.

25 (b) If the creation of the district is not confirmed at a  
26 confirmation election held under Section 13 of this Act before  
27 September 1, 2005, this Act expires on that date.